

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMERSON FREEMAN, # 502340,

Plaintiff,

v.

Case Number: 10-cv-12900
Honorable Anna Diggs Taylor

BERTHA LNU, et al.,

Defendant(s).

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OPINION AND ORDER OF SUMMARY DISMISSAL

Plaintiff Emerson Freeman, state inmate currently in custody at the Gus Harrison Correctional Facility in Adrian, Michigan, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. The Court finds that the complaint is duplicative of another complaint filed, and which was dismissed, in this District. *Freeman v. Clayton*, No. 10-12805 (E.D. Mich. Aug. 2, 2010) (Ludington, J.). For the reasons set forth, the Court dismisses this complaint as duplicative.

On July 15, 2010, Plaintiff filed a civil rights complaint in this District Court, claiming that he was given the wrong medication while incarcerated at the Washtenaw County jail. That complaint was assigned to the Honorable Thomas L. Ludington. *Freeman*, No. 10-cv-12805. Several days after filing that complaint, Plaintiff filed this complaint which was assigned to the undersigned district judge. The claims contained in this complaint are all encompassed within the complaint filed in case number 10-cv-12805. In addition, the Defendants named in this later-filed complaint are named Defendants in case number 10-cv-12805.

“[A] suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir.1993) (internal quotation marks and citations omitted). This complaint names the same

defendants and challenges the same action as the complaint that was dismissed before the Honorable Thomas L. Ludington. Therefore, the instant complaint is duplicative and is dismissed. To the extent that Plaintiff wishes to raise additional claims not already before the Court in the earlier-filed complaint, Plaintiff may seek leave to amend that complaint in accordance with the requirements of Federal Rule of Civil Procedure 15.

Accordingly, **IT IS ORDERED** that the complaint [dkt. #1] is **DISMISSED WITHOUT PREJUDICE**.

DATED: August 5, 2010

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order of Dismissal was served upon Plaintiff by First Class U.S. mail on August 5, 2010.

Emerson Freeman, # 502340
Gus Harrison Correctional Facility
2727 E. Beecher Street
Adrian, MI 49221

s/Johnetta M. Curry-Williams
Case Manager